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**MEMO ENDORSED**

June 29, 2022

**Via ECF**

Hon. Valerie E. Caproni  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *Zurich American Insurance Company v. Harleysville Insurance Company*;  
Civil Action No.: 1:21-cv-08293-VEC**

Dear Judge Caproni:

This firm represents the Plaintiff, Zurich American Insurance Company (“Zurich”), in the above-referenced matter (the DJ Action). We write to the court jointly with counsel for Defendant, Harleysville Insurance Company (“Harleysville”) requesting an adjournment of the pre-trial conference scheduled for July 15, 2022 and the July 7, 2022 deadline for pre-conference submissions. The parties have previously requested – and the court has granted – three extensions of the fact discovery deadline. *See* ECF Nos. 15, 25, 29. This letter, however, does not seek an extension of the current fact discovery deadline, since the parties will be exchanging supplemental document productions by July 5, 2022, in accordance with the fact discovery deadline.

Zurich and Harleysville’s prior joint letters to the Court have indicated that the parties were – and continue to be – engaged in discussions in order to achieve a resolution of this matter without the need for motion practice. The most recent letter filed on May 26, 2022 explained that the current plan for resolution depended, in part, on discovery that would soon be exchanged in the New York State Court personal injury litigation out of which this coverage dispute arises (the “Underlying Action”). *See* ECF No. 28. However, the current plan seeks to achieve the desired resolution in a more efficient manner. Namely, counsel for the entities whose defense and indemnity has been tendered by Zurich to Harleysville is currently in discussions with claimant’s counsel in the Underlying Action to enter into a stipulation to dismiss certain entities. The additional insured status of these entities is currently the subject of the dispute between Zurich and



Hon. Valerie E. Caproni  
June 29, 2022  
Page 2 of 2

Harleysville in this action. Therefore, should a stipulation dismissing these entities be filed in the Underlying Action, this declaratory judgment action could be dismissed without prejudice.

Based on Zurich's most recent conversations with defense counsel for the aforementioned entities, discussions concerning the proposed stipulation have taken place. However, claimant's counsel will not be in a position to provide defense counsel with an answer until after the July 4<sup>th</sup> holiday. Based on the foregoing, Zurich and Harleysville respectfully request that the Court adjourn the pre-trial conference and pre-conference submission deadline until August 19 and August 11, 2022, respectively. The parties believe that this will provide ample time to determine whether a settlement of this action can be achieved without motion practice. As previously stated, the parties believe that all outstanding discovery is complete, and do not seek a further extension of the current fact discovery deadline of July 5, 2022.

We thank Your Honor in advance for time spent on this matter.

Respectfully submitted,  
Coughlin Midlige & Garland LLP

/s/ Steven G. Adams  
Steven G. Adams  
Noah M. Wiesner

cc: Ann Odelson, Esq. (via ECF)  
Erica Sanders, Esq. (via ECF)

Application GRANTED. The post-fact discovery status conference is adjourned to **August 19, 2022 at 10 AM**. The parties' Joint Letter is due by no later than the end of day on **August 11, 2022**.

SO ORDERED.

 06/29/22

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE